

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:21CR491
)	
Plaintiff,)	JUDGE J. PHILIP CALABRESE
)	
v.)	
)	
PAUL SPIVAK, et al.)	<u>NOTICE OF DISCOVERY STATUS</u>
)	
Defendants.)	

The United States of America, by and through undersigned counsel, hereby respectfully submits notice that the government has substantially complied with its discovery obligations and responded to Defendants' discovery requests. In summary, the government has made six different productions to Defendants on various dates, including December 15, 2021, March 18, 2022, March 25, 2022, May 5, 2022, May 16, 2022, May 19, 2022, August 12, 2022, and September 7, 2022. The productions included 56 DVDs and 1 CD of recordings, Defendant Spivak's jail calls (produced to Defendant Spivak and Defendant Smirnova), electronic copies of paper documents seized during the execution of a search warrant at USLG's offices, Grand Jury subpoena returns, reports and documents generated by the government, and documents received from the Securities and Exchange Commission. The government also produced a load file containing content from computers seized during the execution of a search warrant at USLG's offices.

As noted during the last status conference, some Defendants believed the set of files provided to the defense extracted from the seized computers did not contain certain information defense counsel needed to easily identify the source of the file. To rectify the problem and ensure

the government was complying with its discovery obligations, the government made available the exact copies of the imaged computers that were seized and later returned to USLG on June 21, 2021. The government has worked diligently to rectify various production issues, and at present does not anticipate that it will be producing a replacement load file with the content of those computers. The government will promptly provide additional discovery as it becomes available.

Finally, the government has requested reciprocal discovery. Pursuant to Federal Rule of Criminal Procedure 16(b), the government requested of the Defendants all discovery to which the government is entitled to under the Rule. Likewise, the government requested notification of any intended alibi defense to the crimes alleged in the Indictment, pursuant to Rule 12.1(a)(1).

Respectfully submitted,

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